

## **REMARKS**

By this Amendment, claims 1-19 and 21 are amended. Claim 20 remains in the application. Thus, claims 1-21 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

### **I. Substitute Specification and Abstract**

The specification and abstract have been carefully reviewed and revised in order to correct grammatical and idiomatic errors in order to aid the Examiner in further consideration of the application. The amendments to the specification and abstract are incorporated in the attached substitute specification and abstract. No new matter has been added.

Also attached hereto is a marked-up version of the substitute specification and abstract illustrating the changes made to the original specification and abstract.

### **II. Information Disclosure Statement**

The Applicants thank the Examiner for considering the reference listed on the January 18, 2002 Form PTO-1149 and for returning an Examiner-initialed copy of the January 18, 2002 Form PTO-1449 to indicate that the reference listed thereon was considered.

The Applicants submit herewith an Information Disclosure Statement and Form PTO-1449 to make five references cited in a European Search Report for the corresponding European application of record in the present application. The Applicants respectfully request the Examiner to consider the references listed on the Form PTO-1449 submitted herewith and to return an Examiner-initialed copy of the Form PTO-1449 to indicate that the references listed thereon have been considered.

### **III. Art Rejections**

In item 2 on page 2 of the Office Action, claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Shah-Nazaroff et al. (U.S. 6,157,377, hereinafter "Shah-Nazaroff") in view of Christopoulos et al. (U.S. Patent Application Publication No. 2001/0047517, hereinafter "Christopoulos").

Without intending to acquiesce to this rejection, independent claims 1, 8 and 15 have each been amended in order to more clearly illustrate the marked differences between the present invention and the applied references. Accordingly, the Applicants respectfully submit that the present invention is patentable over the applied references for the following reasons.

In conventional contents distribution systems, two versions of contents are prepared for distribution to a terminal device. One version is prepared to include image effects and/or sound effects applied to the original content, i.e., special effects are added to the content. The other version is the content itself without the special effects, i.e., the original content. The version of the content having the special affects added thereto is transmitted to a requesting terminal device, whereupon the user of the terminal device can confirm whether he or she wishes to purchase the content. If the user of the terminal device wishes to purchase the content, the version of the content without the special effects, i.e., the original content, is transmitted to the requesting terminal device.

However, in the conventional contents distribution systems, the provider of the contents (i.e., the contents distribution apparatus) must retain two versions of the same content, that is, the version of the content having the special effects added thereto, and the original content without the special effects added thereto. Consequently, the contents distribution apparatus must waste memory resources to store and distribute two versions of the same content.

Moreover, since the terminal device must first receive the version of the content having the special effects added thereto to enable the user of the terminal device to confirm whether he/she wants to retrieve the original version of the content, the terminal device must receive two versions of the content. That is, the terminal device must first receive the version of the content having the special effects added thereto, and then receive the original version of the content. Consequently, extra communication time and expenses are incurred by the terminal device in order to obtain two versions of the same content in the conventional contents distribution systems. This is especially burdensome for terminal devices such as mobile devices (e.g., cellular telephone) which must incur communications costs to obtain a desired content.

Furthermore, in the case where terminal devices having different processing abilities with respect to special effects (e.g., a CPU and a cellular phone), the conventional contents distribution systems do not realize an efficient content distribution which accounts for the different processing abilities of the terminal devices, because the version of the content having the special effects added thereto will always be first distributed to each terminal device without regard to the processing abilities of the requesting terminal device.

To solve the problems of the conventional systems, the present invention provides a contents distribution system and method in which a contents distribution apparatus distributes a content including at least one of video and music data to a terminal device via a network.

In particular, the contents distribution apparatus of the present invention comprises a content storage section that is operable to store a content and specific data. The specific data concerns a predetermined special effect to be applied to the content and to restrict a reproduced substance of the content. The content storage section also stores the content and the specific data as a pair.

Further, the contents distribution apparatus of the present invention comprises a content management data setting section that is operable to set management data. The present invention provides that the management data contains a flag indicating whether or not to apply the predetermined special effect to the content during reproductions, and conditions of use which must be satisfied in order to reproduce the content without the predetermined special effect.

The present invention also provides that the content distribution apparatus transmits the content, the specific data and the management data to the terminal device.

The terminal device of the present invention comprises a reproduction section that is operable to reproduce the content with or without the predetermined special effect in accordance with the specific data and the presence or absence of the flag in the management data, and to reset the flag when the conditions of use contained in the management data are satisfied.

Accordingly, in the contents distribution system and method of the present invention, contents, specific data concerning the contents and management data are

transmitted to the terminal device. The terminal device, having received a content, the specific data concerning the content and management data, is able to reproduce the content with or without the special effects to be applied to the content if the conditions of use are satisfied before the content is purchased (e.g., if the user of the terminal device pays the prescribed fee for obtaining the content). Consequently, the communication resources of the terminal device are not burdened by having to obtain two versions of the same content.

Furthermore, the special effect in the present invention is an effect for restricting a substance of the content from being reproduced. As a result, applying the special effect to the content to be reproduced in this manner allows the user of the terminal device to determine whether or not he or she will purchase an original content beforehand (i.e., before the conditions of use are satisfied).

In addition, since the contents distribution apparatus stores a content and specific data related to the content in a pair, where the specific data concerns a predetermined special effect to be applied to the content and to restrict a reproduced substance of the content, sets management data that indicates whether the predetermined special effect is to be applied to the content during reproduction as well as conditions of use of the content, the contents distribution apparatus does not need to store two different versions of the same content. As a result, the memory resources of the contents distribution apparatus are improved.

Independent claims 1, 8 and 15 each recite the above-described features of the present invention.

In particular, claims 1 and 15 each recite, in part, that the content storage section of the contents distribution apparatus is operable to store a content and specific data as a pair, and that the content management data setting section is operable to set management data.

Claim 8 recites that in the contents distribution apparatus, the method comprises operations of storing a content and specific data as a pair, and setting management data.

Claims 1, 8 and 15 each recite that the specific data concerns a predetermined special effect to be applied to the content and to restrict a reproduced substance of the content. Further, claims 1, 8 and 15 each recite that the management data contains a flag

indicating whether or not to apply the predetermined special effect to the content during reproduction, and conditions of use which need to be satisfied in order to reproduce the content without the predetermined special effect.

(1) Shah-Nazaroff

Shah-Nazaroff discloses a programming transmission system for purchasing an “upgraded media feature.” The “upgraded media feature” of Shah-Nazaroff includes a variety of audio (e.g., Dolby surround), video and interactive effects. For instance, Shah-Nazaroff discloses that a video resolution of a content can be improved (see Column 2, lines 25-27).

The programming transmission system of Shah-Nazaroff includes a client system 110, communications media 120, broadcast sources 130, and a server system 140. The manner in which an “upgraded media feature” can be purchased according to Shah-Nazaroff will be described below with reference to Figure 4 of Shah-Nazaroff.

When an “upgraded media feature” is purchased, a user selects an upgraded media feature from a user interface 210 of the client system 110. Information selected from the user interface 210 is sent via communications media 120 to the server system 140. A processing server 310 of the server system 140 orders the media feature, which has been selected from the user interface 210, from one of the broadcast sources 130. Depending on which one of the “upgraded media features” is to be provided, the processing server 310 receives a token from the broadcast sources 130. Then, the processing server 310 provides the token to the client system 110 so that the client system 110 can receive the upgraded media feature. Next, a billing server 320 bills the user’s account. Thereafter, the broadcast is received by the client system 110 with the upgraded media feature (see Column 6, lines 1-15 and Figure 4).

In the paragraph spanning pages 3-4 of the Office Action, the Examiner acknowledged that Shah-Nazaroff fails to disclose or suggest that the content and specific data are stored as a pair in the contents distribution apparatus and transmitted to the terminal device, and that the terminal device reproduces the content by applying the special effects data to the content in accordance with the specific data and the management data, as recited in claims 1, 8 and 15.

In an attempt to teach these features, the Examiner applied Christopoulos.

(2) Christopoulos

Christopoulos discloses a method and apparatus for transcoding multimedia data. In particular, Christopoulos discloses that a network includes a server 110, a gateway 120, and a client 135 (see Figure 1). In the server 110, multimedia data and transcoding hints, which are used for reformatting the multimedia data, are stored in pairs (see paragraphs [0035]-[0036] and Figure 2). The multimedia data stored in the server 110 is reformatted by a transcoder 125 included in the gateway. In addition, the multimedia data is provided to the client (see paragraph [0035]).

(3) Comparison between the present invention and Shah-Nazaroff

Claims 1, 8 and 15 each recite that the specific data concerns a predetermined special effect to restrict a reproduced substance of the content. Accordingly, the specific data is an effect which restricts a reproduced substance of original contents to an extent that a subscriber (user of the terminal device) can determine beforehand (i.e., before the conditions of use are satisfied) whether or not to purchase the original content.

On the other hand, the “upgraded media feature” of Shah-Nazaroff is an effect which upgrades a variety of audio (e.g., Dolby surround) and video resolution. In other words, the “upgraded media feature” is not an effect which restricts a reproduced substance of an original content.

Accordingly, the specific data to restrict the reproduced substance, as recited in claims 1, 8 and 15, is markedly different from the “upgraded media feature” of Shah-Nazaroff.

Furthermore, according to the inventions of claims 1, 8 and 15, a reproduction having the predetermined special effect added thereto can be performed beforehand (i.e., before the conditions of use are satisfied), thereby allowing a subscriber to determine beforehand whether or not to purchase the original content.

On the other hand, the “upgraded media feature” of Shah-Nazaroff is sent to the client system 110 after it is purchased (i.e., after the conditions of use are satisfied). In other words, according to Shah-Nazaroff, a subscriber cannot determine whether or not to

purchase the “upgraded media feature” before having already received the “upgraded media feature” after first paying for it.

As described above, the inventions of claims 1, 8 and 15 enable a subscriber to determine beforehand i.e., before the conditions of use are satisfied) whether or not he or she will purchase the original content, whereas in Shah-Nazaroff, a subscriber cannot determine beforehand whether or not he or she will purchase the “upgraded media feature.”

(4) Comparison with present invention and Christopoulos

Christopoulos discloses that the only data that is transmitted to the client 135 is the transcoded multimedia data. Therefore, in contrast to claims 1, 8 and 15, Christopoulos does not disclose or suggest that the transcoder hints (specific data) are transmitted to a terminal device of a client.

(5) Comparison with present invention and combination of Shah-Nazaroff and Christopoulos

The combined system of Shah-Nazaroff and Christopoulos (hereinafter “combined system”) as devised by the Examiner will be compared with respect to the inventions of claims 1, 8 and 15.

When the contents distribution system of claims 1, 8 and 15 and the combined system are compared, the specific data to restrict a reproduced substance of the content, as recited in claims 1, 8 and 15, is different in both purpose and effect from the “upgraded media feature” of the combined system.

In particular, in the inventions of claims 1, 8 and 15, a subscriber can determine beforehand (i.e., before the conditions of use are satisfied) whether or not he or she will purchase the original content, whereas in the combined system, a subscriber cannot determine beforehand whether or not he or she will purchase the “upgraded media feature.”

Accordingly, even if Shah-Nazaroff and Christopoulos are properly combined, the reproduction of the restricted substance of the original content, which is performed as recited in claims 1, 8 and 15, cannot be performed. Furthermore, even if Shah-Nazaroff

and Christopoulos are properly combined, a subscriber cannot determine beforehand whether or not he or she will purchase the original content.

Furthermore, the Applicants respectfully submit that Shah-Nazaroff and Christopoulos each fail to disclose or suggest that specific data concerning a special effect to restrict a reproduced substance of the content with a content as a pair in a contents distribution apparatus, transmitted to a terminal device, and the terminal device reproduces the content by applying the special effects data to the content in accordance with the specific data and the management data, as recited in claims 1, 8 and 15.

Accordingly, Shah-Nazaroff and Christopoulos fail to disclose or suggest each and every limitation of claims 1, 8 and 15.

Therefore, no obvious of combination of Shah-Nazaroff and Christopoulos would result in the inventions of claims 1, 8 and 15, since Shah-Nazaroff and Christopoulos, either individually or in combination, clearly fail to disclose or suggest each and every limitation of claims 1, 8 and 15.

Consequently, claims 1, 8 and 15 are clearly patentable over Shah-Nazaroff and Christopoulos.

In addition to the patentability of claims 1, 8 and 15, the Applicants also submit that (1) that the specific data is attribute data consisting of information concerning a type of the predetermined special effect and a portion of the content to which the predetermined special effect is to be applied, as recited in claims 3, 10 and 17, and (2) that the terminal device previously stores further data for realizing special effects, as recited in claims 3 and 10, are clearly not disclosed, suggested or even contemplated by Shah-Nazaroff and Christopoulos, either individually or in combination.

Therefore; in addition to the fact that Shah-Nazaroff and Christopoulos fail to disclose or suggest each and every limitation of claims 1, 8 and 15, Shah-Nazaroff and Christopoulos also clearly fail to disclose or suggest each and every limitation of claims 3, 10 and 17.

Because of the clear distinctions discussed above, it is submitted that the teachings of Shah-Nazaroff and Christopoulos clearly do not meet each and every limitation of claims 1, 3, 8, 10, 15 and 17.



Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Shah-Nazaroff and Christopoulos in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 3, 8, 10, 15 and 17.

Therefore, it is submitted that the claims 1, 3, 8, 10, 15 and 17, as well as claims 2, 4-7, 9, 11-14, 16 and 18-21 which depend therefrom, are clearly allowable over the prior art as applied by the Examiner.

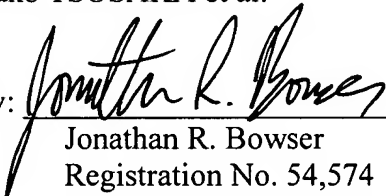
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a one-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

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